

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW H. BECKETT,
Plaintiff,
v.
SCALIA, *et al.*,
Defendants.

Case No. 1:20-cv-01468-JLT-CDB (PC)

**FURTHER ORDER TO SHOW CAUSE IN
WRITING WHY SANCTIONS SHOULD
NOT BE IMPOSED FOR FAILURE TO
OBEY COURT ORDERS**

3-DAY DEADLINE

(Docs. 44, 45)

Plaintiff Matthew H. Beckett is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

I. RELEVANT BACKGROUND

On January 22, 2024, the Court issued its Order Finding Service Appropriate. (Doc. 40.) Specifically, service was to be effected on B. Hackworth, Hernandez, L. Hurtado, A. Madrigal and J. Scalia. (*Id.* at 2.) Relevant here, the California Department of Corrections and Rehabilitation (“CDCR”) was directed to file the “CDCR Notice of E-Service Waiver” form within 40 days, advising whether defendants agreed to waive service of process without the need for personal service. (*Id.* at 3.)

When more than 40 days passed without a response, on March 6, 2024, the Court issued an order directing CDCR to show cause in writing, within 5 days, why sanctions should not be

1 imposed for failing to comply with a court order, or, alternatively, to file a completed waiver
2 form. (Doc. 44 [minute order].)

3 On March 7, 2024, the CDCR filed neither a document demonstrating good cause for
4 violating a court order or a completed waiver form. Instead, CDCR file a form-request for a 14-
5 day extension of time within which to file the Notice of E-Service Waiver form, noting
6 authorization was pending as to Defendants Hackworth, Hernandez, Hurtado, Madrigal and
7 Scalia. (Doc. 45.)

8 **II. DISCUSSION**

9 CDCR has failed to properly respond to the Court's minute order issued March 6, 2024. It
10 fails to explain why sanctions should not be imposed for its failure to file the Notice of E-Service
11 Waiver form. Responding to the Court's minute order by filing a form request for an extension of
12 time concerning the Notice of E-Service Waiver form is wholly insufficient. Thus, among other
13 things, CDCR provides no explanation why the original 40 days was insufficient to obtain
14 authorization for service waiver, or why two additional weeks is necessary. CDCR's filing does
15 not describe when it first sought authorization for service waiver, what obstacles it encountered in
16 obtaining authorization, and what efforts it undertook in good faith to meet the Court's deadline.
17 Nor did CDCR comply with the alternative provided for in the minute order by filing a completed
18 Waiver of Service of Summons form.

19 **III. CONCLUSION AND ORDER**

20 Accordingly, **within 3 days** of the date of this order, CDCR shall show cause in writing
21 why sanctions should not be imposed for its failure to comply with the Court's January 22 and
22 March 6, 2024 orders. **Failure to timely comply with this order will result in the imposition**
23 **of sanctions.**

24 IT IS SO ORDERED.

25 Dated: March 8, 2024


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UNITED STATES MAGISTRATE JUDGE
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